

CRWP No. 646 of 2016
DECIDED ON: MAY 16, 2016

.....PETITIONER

VERSUS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Instant criminal writ petition has been filed by Dinesh Kumar for setting aside order March 29, 2016 passed by respondent No.3 i.e. Commissioner, Gurgaon Division, Gurgaon whereby, an application filed by the petitioner seeking 6 weeks parole for the repair of his house under Section 3 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 has been declined.

The contention of learned counsel for the petitioner is that respondent No.3 while passing the impugned order has failed to appreciate the fact that more than 3 years have elapsed after the petitioner was ordered major penalty vide order dated August 09, 2012. Thereafter, petitioner has not committed any offence in the jail. More so, petitioner was earlier granted parole for six weeks for agricultural purposes vide order dated October 14, 2015 and even during the period, his act and conduct remained good. He did not violate any term and condition of parole. Now, parole has been sought by the petitioner

for the repair of his house, to which, he is legally entitled which has been wrongly and illegally declined by respondent No.3.

This Court has given an anxious thought to the submissions made by learned counsel for the petitioner but find the same to be of no legal weight. A scrutiny of impugned order dated March 29, 2016 reveals that petitioner falls in the category of hard core convicts. Previously also, he was wrongly granted the concession of parole vide order dated October 14, 2015 as Superintendent, District Jail, Faridabad did not point out the factum of major penalty, in his report. Since, the petitioner falls in the category of hard core convicts, the parole has rightly been declined by respondent No.3.

In the light of what has been discussed above, this Court is of the considered view that the impugned order dated March 29, 2016 does not call for any interference by this Court. As such, instant petition being devoid of merit is dismissed.

MAY 16, 2016
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(JASPAL SINGH)
JUDGE